

AS FOLLOWS, TO-WIT:

ORDINANCE NO. 309

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF A CERTAIN TRACT OF LAND IN THE NORTHEAST QUARTER (NE $\frac{1}{4}$) OF SECTION NINE (9), TOWNSHIP TWENTY THREE (23) SOUTH, RANGE FIFTY TWO (52), WEST OF THE SIXTH PRINCIPAL MERIDIAN, BENT COUNTY, COLORADO, TO THE CITY OF LAS ANIMAS, COLORADO, SAID LAND LYING WEST AND ADJACENT TO SAID CITY OF LAS ANIMAS; PROVIDING FOR THE DESIGNATION OF STREETS AND ALLEYS IN SAID TRACT, AND THE DEDICATION OF THE STREETS

AND ALLEYS AS SHOWN ON THE PLAT THEREOF; AND FURTHER PROVIDING FOR SAID ANNEXED LAND TO BE SUBJECT TO AND REGULATED BY ALL THE ORDINANCES AND LAWS HERETOFORE OR HEREAFTER ENACTED BY THE SAID CITY OF LAS ANIMAS.

WHEREAS, Clarence S Burger, Euna B.urger, Robert G Williams, Frances E Williams, Joe E Brooks, Don M Chandler, Ada C Chandler, J.H.Taliaferro, Eunice H Crowe, George McClain and Homer Dixon, landowners and/or qualified electors in the tract of land hereinafter described, did on the sixth day of June, A. D., 1949, present a Petition duly signed by them to the City Council, City of Las Animas, Colorado, in which said Petition the aforesaid persons requested and petitioned that the tract of land hereinafter described be annexed to and become a part of the said City of Las Animas;

AND WHEREAS, the legal description of the land as set forth in said Petition is as follows, to-wit:

The following described land located in the Northeast Quarter (NE¹/₄) of Section Nine (9), Township Twenty-three (23) South, Range Fifty-two (52), West of the Sixth Principal Meridian, being in the Bent County Bank Sub-division, Bent County, Colorado, to-wit: Beginning at a point on the section line between Sections Nine (9) and Ten (10), 1802 feet south of the Section corners numbered Three (3), Four (4), Nine (9) and Ten (10), thence west 667 feet along the north line of the right-of-way of U.S. Highway No 50, thence north 517 feet, thence west 37 feet, thence in a northwesterly direction 202 feet, thence west 36 feet, thence north 78 feet, thence in a northeasterly direction along the canal right-of-way 855 feet, thence south 829 feet to the point of beginning, including those lands contained within Burger's Sub-Division, a plat of which Sub-Division has been duly filed and entered of record in the office of the County Clerk and Recorder, Bent County, Colorado, on November 19, 1948, at 11:50 A.M., in the Town Plat Book.

AND WHEREAS, the City Council of the said City of Las Animas found that the Petition, together with the other documents attached thereto, did meet the requirements of Chapter 163, Section 293, as amended, 1935 Colorado Statutes Annotated, and that the said City Council did on the sixth day of June, A. D., 1949, at its regular meeting by resolution accept the said Petition for filing;

AND WHEREAS, the said City Council did pursuant to the provisions of Chapter 163, Section 293 (4), as amended, 1935 Colorado Statutes Annotated, order the publication of a Notice addressed "To Whom It May Concern," said Notice containing the substance of the Petition, to date of filing, the number of persons signing, a description of the territory included in the proposed annexation, and a statement that landowners of the area might express their opposition to the annexation and secure an election by complying with the provisions of the aforementioned Section 293 (4);

AND WHEREAS, the said Notice was regularly published in the "Las Animas-Leader," a weekly newspaper in Las Animas, Colorado, once each week for three successive weeks, first publication being on June 9, 1949, and the last publication on June 30, 1949, as evidenced by the publisher's affidavit on file herein;

AND WHEREAS, no qualified counter-petition or any other document has been filed as provided in Section 293 (4), as amended, Chapter 163, 1935 Colorado Statutes Annotated, within thirty (30) days after the first publication of the said Notice of Petition;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF LAS ANIMAS OF THE SAID CITY OF LAS ANIMAS, COLORADO:

Section 1. That the land hereinafter described be, and the same is hereby annexed to the City of Las Animas, Colorado, and incorporated within the city limits of the said city for any and all purposes as provided by law, pursuant to the Petition hereinbefore referred.

Section 2. That the land hereby annexed is described as follows, to-wit:

The following described land located in the Northeast Quarter (NE $\frac{1}{4}$) of Section Nine (9), Township Twenty-three (23) South, Range Fifty-two (52), West of the Sixth Principal Meridian, being in the Bent County Bank Sub-Division, Bent County, Colorado, to-wit: Beginning at a point on the section line between Sections Nine (9) and Ten (10), 1802 feet south of the Section corners numbered Three (3), Four (4), Nine (9) and Ten (10), thence west 667 feet along the north line of the right-of-way of U. S. Highway No. 50, thence north 78 feet, thence in a northeasterly direction along the canal right-of-way 855 feet, thence south 829 feet to the point of beginning, including those lands contained within Burger's Sub-Division, a plat of which Sub-Division has been duly filed and entered of record in the office of the County Clerk and Recorder, Bent County, Colorado, on November 19, 1948, at 11:50 A. M., in the Town Plat Book.

Section 3. That the dedication of the streets and alleys as shown in said Petition and the plat of the above-described land for public use be, and the same is hereby accepted as a dedication to the public; that all of the streets designated and shown upon the plat of said tract of land shall be used as public thoroughfares forever, and the right to the use of all alleys, as also designated thereon, shall be appurtenant to any lot or fraction of lot abutting thereon.

Section 4. That if any section, paragraph, clause or provision of this ordinance shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not effect any of the remaining provisions of this ordinance.

Section 5. That all ordinances, resolutions and orders, or parts thereof, in conflict with the provisions of this ordinance, are, to the extent of such conflict, hereby repealed.

Section 6. This ordinance, after its introduction and reading, shall be published in full in the Las Animas Leader, a newspaper of general circulation published in the City of Las Animas, in its issue of July ____, 1949, and after its final passage shall be recorded in a book kept for that purpose, be authenticated by the signatures of the Mayor and City Clerk, and shall be finally published in the Las Animas Leader, a newspaper published within

the limits of the City of Las Animas, and shall take effect and be in full force upon the expiration of five days after it has been finally published.

Section 7. That by reason of the fact that it is advantageous to the qualified landowners and/or electors within the above-described tract of land to have said land annexed to the City of Las Animas, and by reason the necessity of effectuating without delay the legislative policy of the City Council as herein declared and the will of the landowners and/or qualified electors signing said Petition for annexation, it is hereby declared that this ordinance is necessary for the immediate preservation of the peace, health and safety.

INTRODUCED, READ AND ORDERED PUBLISHED this 11th day of July, A. D., 1949.

/s/ J. C. Davis

(SEAL)

Attest:

/s/ D.A.McAfee
City Clerk.